IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7640 OF 2005

Sunita Ramdas Bandawane & Ors. .. Applicants

Versus

State of Maharashtra .. Respondents

Mr.H.E.Palwe for applicants

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2005.

P.C.

. Applicants are apprehending arrest in C.R.No.73 of 2005, which is registered on 16th March 2005. Offences alleged are under section

420, 471, 468 read with 34 I.P.C. Complainant alleges that by virtue of general power of attorney one Kamal Sonawane entered into an agreement for sale with R.P.Jagtap of the property in question, belonging to husband of complainant. That property has been further sold to one Shyam Dedhiya. It is alleged that general power of attorney and subsequent sale deed are bogus and fabricated.

2. Upon reading the application, it is clear that the vendor Kamal Sonawane is already a party to a civil suit which has been filed for specific performance by R.P.Jagtap who was purchaser from her. All these agreements including possession receipts are of year 2002. It is pointed out that applicants' name do not figure in any of these documents. However, during the course of questioning, co accused Kamal Sonawane made a statement that applicants 1, 2 and 4 herein obtained her signatures. The said Kamal Sonawane

was arrested on 16th March 2005 and has been enlarged on bail.

3. Above facts have not been disputed by prosecution. The dispute about right, title and interest in the immovable property is subject matter of civil suit. No specific role has been attributed in all these transactions to the present applicants. In these circumstances, applicants deserve to be enlarged on bail. More so, when one of them is a lady and house wife. In the light of the above following order:-

i) In the event of arrest, applicants shall be released on bail in connection with C.R.No.73 of 2005 registered with Ambad police station, Nashik in the sum of Rs.10,000/- each with one/two sureties in the like amount.

ii) Applicants shall attend Ambad police station once a week.

iii) Applicants shall not leave Nashik city limits without permission from I.O.

iv) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on

the merits of the case at the time of trial.

vii) This order will enure to the benefit of the applicants only till the charge sheet is filed. Thereafter, they will be free to apply to the appropriate court for appropriate reliefs.

viii) Application disposed of.

ix) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)